

Verified Affidavit of Curtis Edwin Leyshon

State of North Carolina)
) ss.
Watauga County)

I, Curtis Edwin Leyshon, do affirm (or swear) that the facts in the Motion, *supra*, and the facts in this **Verified Affidavit** are true and correct under the penalty of perjury.

1. My true name is “Curtis Edwin Leyshon.”
2. I am of the age of majority and competent to testify to the veracity of the facts in the Motion, *supra*, and the facts of this Verified Affidavit.
3. The “District Court of the United States” Ordered that **ELIZABETH O’BRIAN** (“**O’BRIAN**”) who is representing the **Defendants** have a Settlement Conference with **Leyshon**.
4. **O’BRIAN** and **Leyshon** did have a Settlement Conference on November 2, 2020 (Monday) via a phone call.
5. **O’BRIAN** in the Settlement Conference did NOT offer even one Fact in Opposition to the **FACTS** in the **Complaint**.
6. **O’BRIAN** in the Settlement Conference did NOT offer even one issue of Law in Opposition to the Law provided in the **Complaint**.
7. **O’BRIAN** in the Settlement Conference did NOT offer even one alternative solution in Opposition to the Law provided in the **Complaint**.
8. As **O’BRIAN** did not Opposite even ONE issue in the **Complaint of concerning the law proffered in support, of the facts of the Complaint that are to be taken as true, of the truth of the any fact and offered no alternative solutions except O’BRIAN just kept repeating that the Complaint was “without merit.”**

9. To the best of **Leyshon's knowledge** according to FRCP Rule 16 and *Karahuta, supra*, **O'BRIAN's actions is described in *Karahuta v. Boardwalk Regency Corp.*, 2007 WL 2825722, Not Reported in F.Supp.2d, 2007, *ibid.*, fits the bad faith appearance and offered nothing to "meaningfully discuss the strengths and weaknesses of each party's case".⁵**

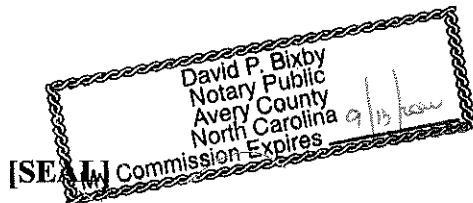
10. To the best of **Leyshon's knowledge**, **O'BRIAN "did not notify the Court beforehand that a settlement conference at this time would be a futile act, thereby wasting the limited time, financial resources and energies of the Court and Plaintiff"**⁶ as required.

My Hand,



Sworn and subscribed before me a Notary Public in and for the State of North Carolina
on 11/13/2010

My Civil Commission expires on 9/13/2011



Signature of Notary Public

⁵ *Karahuta v. Boardwalk Regency Corp.*, 2007 WL 2825722, Not Reported in F.Supp.2d, 2007, *Ibid.* See also *Pitman v. Brinker Intern., Inc.*, 216 F.R.D. 481, 484, 485 (USDC, Ariz. 2003).

⁶ *Karahuta v. Boardwalk Regency Corp.*, 2007 WL 2825722, Not Reported in F.Supp.2d, 2007, *Ibid.* See also *Pitman v. Brinker Intern., Inc.*, 216 F.R.D. 481, 484, 485 (USDC, Ariz. 2003).

Certificate of Service

I certify that a true and correct copy of this Motion and
Verified Affidavit was mailed via USPS First Class to the
Following party, to wit:

Elizabeth Curran O'Brien
North Carolina Department Of Justice
P.O. Box 629
Raleigh, North Carolina 27602
919-716-0091
eobrien@nckog.gov

Signature

Date: _____